

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: September 28, 2006 Name: Tadashi Horie Reg. No. 40,437 Signature: *Tadashi Horie*

BRINKS
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& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Kenji ISHII et al.

Appln. No.: 10/772,223

Filed: February 3, 2004

For: AN APPARATUS AND A METHOD FOR
OPTIMIZING NETWORK RESOURCES
EMPLOYED IN DATA COMMUNICATION

Examiner: To Be Assigned

Art Unit: 2141

Attorney Docket No: 9683/165

Mail Stop: IDS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal (in duplicate); Supplemental Information Disclosure Statement; Form PTO-1449; 10 Cited References (B5-B14) including 2 Japanese Office Actions and 1 European Search Report
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A late filing fee or oath or declaration surcharge in an amount of \$_____ under 37 C.F.R. § 1.16(e).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ Checks in the amount of \$_____ are enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

September 28, 2006

Date

Tadashi Horie
Tadashi Horie (Reg. No. 40,437)



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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicant hereby cites the following references:

U.S. Patent Documents

No.	Date of Publication	Patentee/Applicant/Assignee
4,756,019	Jul. 5, 1988	Szybicki
5,488,609	Jan. 30, 1996	Hluchyj et al.
6,011,780	Jan. 4, 2000	Vaman et al.

Foreign Patent Documents

No.	Date of Publication	Patentee/Applicant/Assignee
WO 02/29427	Apr. 11, 2002	WIPO
JP H09-294128	Nov. 11, 1997	JPO
JP 2000-78196	Mar. 14, 2000	JPO
JP 2002-359634	Dec. 13, 2002	JPO
JP 2002-271842	Sep. 20, 2002	JPO
JP 2002-324015	Nov. 8, 2002	JPO
JP 2001-188727	Jul. 10, 2001	JPO
JP 2000-222374	Aug. 11, 2000	JPO

Other Art

European Search Report dated August 25, 2006

Japanese Office Action to JP2003-026374 mailed September 5, 2006
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Japanese Office Action to JP2003-026375 mailed September 5, 2006
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Applicant is enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). Reference B12 is a European Search Report issued in the counterpart EPO application. References B1-B4 were cited in the Search Report. References B13 and B14 were Office Actions issued in the counterpart Japanese applications. References B5-B11 were cited in the Japanese Office Actions. References B5-B11 are in Japanese. For each of References B5-B10, Applicant is submitting an English translation thereof. For Reference B11, Applicant is submitting an English abstract.

Applicant respectfully requests the Examiner's consideration of the above references and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

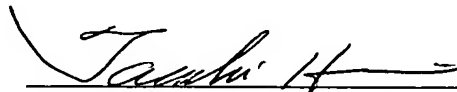
Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

September 28, 2006

Date

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FORM PTOL 1449	SERIAL NO. 10/772,223	CASE NO. 9683/165
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE February 3, 2004	GROUP ART UNIT 2141
(use several sheets if necessary)		APPLICANT(S): Kenji ISHII et al.

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B1	4,756,019	07/05/1988	Szybicki		
	B2	5,488,609	01/30/1996	Hluchyj et al.		
	B3	6,011,780	01/04/2000	Vaman et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	B4	WO 02/29427	04/11/2002	WIPO		Yes
	B5	JP H09-294128	03/14/2000	JPO		Yes
	B6	JP 2000-78196	12/13/2002	JPO		Yes
	B7	JP 2002-359634	12/13/2002	JPO		Yes
	B8	JP 2002-271842	09/20/2002	JPO		Yes
	B9	JP 2002-324015	11/08/2002	JPO		Yes
	B10	JP 2001-188727	07/10/2001	JPO		Yes
	B11	JP 2000-222374	08/11/2000	JPO		Abstract only

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>	
	B12	European Search Report dated August 25, 2006
	B13	Japanese Office Action to JP2003-026374 mailed September 5, 2006
	B14	Japanese Office Action to JP2003-026375 mailed September 5, 2006

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.